

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.) MDL Docket No. 2326
PELVIC REPAIR SYSTEM PRODUCTS)
LIABILITY LITIGATION) HONORABLE JUDGE JOSEPH R. GOODWIN

PRETRIAL ORDER # 155
(ORDER TO ADMINISTER SETTLEMENTS
RESOLVING LEVIN SIMES LLP PLAINTIFFS)

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund, filed January 13, 2017. [ECF No. 2343]. Upon consideration of the Motion of Levin Simes LLP (“Levin Simes”) and for good cause shown, the court hereby **ORDERS** as follows:

1. The Unopposed Motion is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Levin Simes (which shall include all plaintiffs represented by Levin Simes in the settlement agreement executed January 18, 2017, as well as any clients of Levin Simes who enter into settlements with defendants in the future), The Levin Simes-BSC Qualified Settlement Fund shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between Plaintiffs in state or federal litigation or Claimants who are represented by Levin Simes pursuant to the Master Settlement Agreement dated as of January 18, 2017, shall be paid into The Levin Simes-BSC Qualified Settlement

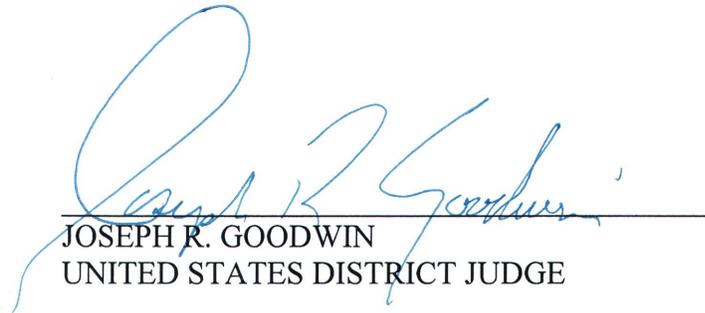
Fund.

3. The Settlement Alliance, LLC is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Settlement Agreement, and the Qualified Settlement Fund Agreement. Levin Simes and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The Levin Simes-BSC Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at Amegy Bank, a division of ZB, N.A. (“Amegy”), and Amegy shall serve as the Custodian of the Fund. Investment related decisions shall be made pursuant to the terms and conditions set forth in the Motion, and disbursements from The Levin Simes-BSC Qualified Settlement Fund shall be made pursuant to the terms of the Settlement Agreement and Qualified Settlement Fund Agreement.
5. The Fund Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district *where*

applicable, which includes counsel in all member cases up to and including civil action number 2:17-cv-01216. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: February 9, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE